

Entered on Docket

February 08, 2010

GLORIA L. FRANKLIN, CLERK

U.S. BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA



Signed: February 05, 2010

EDWARD D. JELLEN
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re

Case No. 09-71245 EDJ
Chapter 13

AARON MOUTON,

Debtor. /

MEMORANDUM RE: MOTION TO VACATE DISMISSAL AND REOPEN CASE

On December 17, 2009, the above-captioned case was dismissed for failure of Aaron Mouton, the above-named debtor (the "debtor") to comply with this court's November 25, 2009 order to file required documents.

On January 12, 2010, the debtor's request for an extension of time in which to file the required documents was denied because the debtor filed a certificate of credit counseling dated more than 180 days prior to the petition date, and was therefore not in compliance with the pre-filing credit counseling requirement of Bankruptcy Code § 109(h), and was not eligible to be a debtor under the Bankruptcy Code. See Order Denying Request for Extension of Time, docket #24.

Memorandum re: Motion to Vacate Dismissal and Reopen Case

1 On January 29, 2010, debtor filed a motion to vacate the
2 court's December 17, 2009 order of dismissal and reopen his chapter
3 13 case. Unfortunately, because the debtor was ineligible to be a
4 debtor at the time this case was filed, no grounds exist on which to
5 reopen the case.

6 Based on the foregoing, the court will issue its order denying
7 the debtor's motion to vacate dismissal and reopen case.

* * END OF MEMORANDUM * *

Memorandum re: Motion to Vacate Dismissal and Reopen Case 12

COURT SERVICE LIST

ALL RECIPIENTS

Memorandum re: Motion to Vacate Dismissal and Reopen Case 13